RE: Wallace yard and Spur Lines Site - Environmental Covenant

Clifford Villa to: Wurtzler, Gail

"Trueblood, Craig", Darrell.Early, "Gibson, Rebecca", "Lawrence, Robert",

08/25/2009 11:27 AM

No, thank you. Upon direction, I specifically removed EPA from list of grantees to avoid any questions re: CERCLA 104j.

Cliff Villa Assistant Regional Counsel U.S. EPA Region 10

SHimmelh

"Wurtzler, Gail"

Cliff,

08/25/2009 11:10:59 AM



"Wurtzler, Gail" <Gail.Wurtzler@dgslaw.com>

08/25/2009 11:11 AM

To Clifford Villa/R10/USEPA/US@EPA

CC "Trueblood, Craig" <craig.trueblood@klgates.com>, "Gibson, Rebecca" <rebecca.gibson@dgslaw.com>, "Lawrence, Robert" <Robert.Lawrence@dgslaw.com>, <Darrell.Early@deq.idaho.gov>, <SHimmelh@enrd.usdoj.gov>

Subject RE: Wallace yard and Spur Lines Site - Environmental Covenant

Cliff,

I have no objection to the changes you made. Before I send this draft to the client for its final review and approval, do you want me to add EPA to the grantees in the first paragraph? The last sentence in that paragraph would then read "UPRR, as the current property owner, grants this Environmental Covenant to Holder, the EPA, and the Department."

Let me know. Thanks.

Gail Wurtzler
Davis Graham & Stubbs LLP
1550 Seventeenth Street
Suite 500
Denver, CO 80202
(303) 892-7405
gail.wurtzler@dgslaw.com

----Original Message----

From: Villa.Clifford@epamail.epa.gov [mailto:Villa.Clifford@epamail.epa.gov] Sent: Monday, August 24, 2009 7:27 PM

To: Wurtzler, Gail

Cc: Trueblood, Craig; Gibson, Rebecca; Lawrence, Robert; Darrell.Early@deq.idaho.gov; SHimmelh@enrd.usdoj.gov

Subject: Re: Wallace yard and Spur Lines Site - Environmental Covenant

Revised environmental covenant is attached. I think there's only three changes, noted with yellow highlight.

As you must suspect, EPA silence so far on revised RADs, etc., does not indicate EPA approval. I am, unfortunately, spending a lovely evening in the office, hoping to get comments to you tomorrow (Tues). We will do our best.

Cliff Villa Assistant Regional Counsel U.S. EPA Region 10

(See attached file: Environmental covenant - CV.DOC)

"Wurtzler, Gail" <Gail.Wurtzler@d gslaw.com>

08/24/2009 05:49 PM To Clifford Villa/R10/USEPA/US@EPA

"Lawrence, Robert"

<Robert.Lawrence@dgslaw.com>,

"Gibson, Rebecca"

<rebecca.gibson@dgslaw.com>,

"Trueblood, Craig"

<craig.trueblood@klgates.com>

Bubjec

Wallace yard and Spur Lines Site

- Environmental Covenant

Cliff,

Would send us your revised draft of the environmental covenant? Although the one attached to the CD is unsigned, we still need to see the form of document that EPA is proposing to use.

Also, we have not seen any further comments on the Wallace Yard/Hercules Mill RAD drawings, the RAWP or the PMPS. Does that mean that the versions Arcadis last sent have been accepted by EPA?

Thanks.

Gail Wurtzler
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